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LRB095 07951 LCT 34291 a

1 AMENDMENT TO HOUSE BILL 563

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 563 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the  
5 Internet Predator Awareness Act.

6 Section 5. Findings. The General Assembly finds that:

7 (1) Criminals and sex offenders use online dating  
8 services to prey upon the citizens of this State.

9 (2) Residents of this State need to be informed when  
10 viewing websites of online dating services as to potential  
11 risks to personal safety associated with online dating.  
12 Also, requiring disclosures in the form of guidelines for  
13 safer dating and informing residents as to whether a  
14 criminal background screening has been conducted on  
15 members of an online dating service fulfills a compelling  
16 State interest to increase public awareness of the possible

1 risks associated with Internet dating activities.

2 Section 10. Definitions. As used in this Act:

3 "Communicate", "communicating", or "communication" means  
4 free-form text authored by a member or real-time voice  
5 communication through an online dating service provider.

6 "Criminal background screening" means a search for a  
7 person's felony and sexual offense convictions initiated by an  
8 online dating service provider and conducted by one of the  
9 following means:

10 (1) by searching available and regularly updated  
11 government public record databases for felony and sexual  
12 offense convictions so long as such databases, in the  
13 aggregate, provide substantial national coverage; or

14 (2) by searching a database maintained by a private  
15 vendor that is regularly updated and is maintained in the  
16 United States with substantial national coverage.

17 "Department" means the Department of State Police.

18 "Illinois member" means a member, as defined in this  
19 Section, who provides an Illinois billing address or zip code  
20 when registering with the provider.

21 "Member" means a person who submits to an online dating  
22 service provider the information required by the provider to  
23 access the provider's service for the purpose of engaging in  
24 dating or participating in compatibility evaluations with  
25 other persons or obtaining matrimonial matching services.

1 "Online dating service provider" or "provider" means a  
2 person engaged in the business of offering or providing to its  
3 members access to dating and compatibility evaluations between  
4 persons or matrimonial matching services through the Internet.

5 "Sexual offense conviction" means a conviction for an  
6 offense that would qualify the offender for registration as a  
7 sex offender under the Sex Offender Registration Act or under  
8 another jurisdiction's equivalent statute.

9 Section 15. Provider safety awareness disclosures. An  
10 online dating service provider offering services to Illinois  
11 members shall:

12 (1) Provide a safety awareness notification with, at a  
13 minimum, information that includes a list and description  
14 of safety measures reasonably designed to increase  
15 awareness of safer dating practices as determined by the  
16 provider. Examples of such notifications include:

17 (A) "Anyone who is able to commit identity theft  
18 can also falsify a dating profile."

19 (B) "There is no substitute for acting with caution  
20 when communicating with a stranger who wants to meet  
21 you."

22 (C) "Never include your last name, e-mail address,  
23 home address, phone number, place of work, or any other  
24 identifying information in your online profile or  
25 initial e-mail messages. Stop communicating with

1 anyone who pressures you for personal or financial  
2 information or attempts in any way to trick you into  
3 revealing it."

4 (D) "If you choose to have a face-to-face meeting  
5 with another member, always tell a family member or a  
6 friend where you are going and when you will return.  
7 Never agree to be picked up at your home. Always  
8 provide your own transportation to and from your date  
9 and meet in a public place at a time with many people  
10 around."

11 (2) If an online dating service provider does not  
12 conduct criminal background screenings on its members, the  
13 provider shall disclose, clearly and conspicuously, to all  
14 Illinois members that the online dating service provider  
15 does not conduct criminal background screenings. The  
16 disclosure shall be provided when an e-mail or other text  
17 message is sent or received by an Illinois member, on the  
18 profile describing a member to an Illinois member, and on  
19 the provider's website pages used when an Illinois member  
20 signs up. A disclosure under this item (2) shall be in  
21 bold, capital letters in at least 12-point type.

22 (3) If an online dating service provider conducts  
23 criminal background screenings on all of its communicating  
24 members, the provider shall disclose, clearly and  
25 conspicuously, to all Illinois members that the online  
26 dating service provider conducts a criminal background

1 screening on each member prior to permitting an Illinois  
2 member to communicate with another member. The disclosure  
3 shall be provided on the provider's website pages used when  
4 an Illinois member signs up. A disclosure under this item  
5 (3) shall be in bold, capital letters in at least 12-point  
6 type.

7 (4) If an online dating service provider conducts  
8 criminal background screenings, the provider shall  
9 disclose (i) that background screenings of applicants are  
10 not perfect and there is no way to guarantee that the name  
11 provided by a person to be used in a background screening  
12 is the person's true identity; (ii) that not all criminal  
13 records are publicly available; (iii) that the screenings  
14 may not identify every member who has a felony or sexual  
15 offense conviction and members should participate in the  
16 service at their own risk and use caution when  
17 communicating with other members; and (iv) whether the  
18 provider has a policy allowing a member who has been  
19 identified as having a felony or sexual offense conviction  
20 to have access to its service to communicate with any  
21 Illinois member.

22 Section 20. Civil penalties.

23 (a) An online dating service provider that registers  
24 Illinois members must comply with the provisions of this Act.

25 (b) Failure to comply with the disclosure requirements of

1 this Act shall constitute an unlawful practice under the  
2 Consumer Fraud and Deceptive Business Practices Act. Each  
3 failure to provide a required disclosure constitutes a separate  
4 violation.

5 Section 25. Exclusions.

6 (a) An Internet access service or other Internet service  
7 provider does not violate this Act solely as a result of  
8 serving as an intermediary for the transmission of a  
9 communication between members of an online dating service  
10 provider.

11 (b) An Internet access service or other Internet service  
12 provider shall not be considered an online dating service  
13 provider within the meaning of this Act as to any online dating  
14 service website provided by another person or entity.

15 Section 30. Severability. If any provision of this Act or  
16 its application to any person or circumstance is held invalid,  
17 the invalidity of that provision or application does not affect  
18 other provisions or applications of this Act that can be given  
19 effect without the invalid provision or application.

20 Section 80. The Consumer Fraud and Deceptive Business  
21 Practices Act is amended by changing Section 2Z as follows:

22 (815 ILCS 505/2Z) (from Ch. 121 1/2, par. 262Z)

1           Sec. 2Z. Violations of other Acts. Any person who knowingly  
2 violates the Automotive Repair Act, the Automotive Collision  
3 Repair Act, the Home Repair and Remodeling Act, the Dance  
4 Studio Act, the Physical Fitness Services Act, the Hearing  
5 Instrument Consumer Protection Act, the Illinois Union Label  
6 Act, the Job Referral and Job Listing Services Consumer  
7 Protection Act, the Travel Promotion Consumer Protection Act,  
8 the Credit Services Organizations Act, the Automatic Telephone  
9 Dialers Act, the Pay-Per-Call Services Consumer Protection  
10 Act, the Internet Predator Awareness Act, the Telephone  
11 Solicitations Act, the Illinois Funeral or Burial Funds Act,  
12 the Cemetery Care Act, the Safe and Hygienic Bed Act, the  
13 Pre-Need Cemetery Sales Act, the High Risk Home Loan Act, the  
14 Payday Loan Reform Act, the Mortgage Rescue Fraud Act,  
15 subsection (a) or (b) of Section 3-10 of the Cigarette Tax Act,  
16 the Payday Loan Reform Act, subsection (a) or (b) of Section  
17 3-10 of the Cigarette Use Tax Act, the Electronic Mail Act,  
18 paragraph (6) of subsection (k) of Section 6-305 of the  
19 Illinois Vehicle Code, Article 3 of the Residential Real  
20 Property Disclosure Act, the Automatic Contract Renewal Act, or  
21 the Personal Information Protection Act commits an unlawful  
22 practice within the meaning of this Act.

23       (Source: P.A. 93-561, eff. 1-1-04; 93-950, eff. 1-1-05; 94-13,  
24 eff. 12-6-05; 94-36, eff. 1-1-06; 94-280, eff. 1-1-06; 94-292,  
25 eff. 1-1-06; 94-822, eff. 1-1-07.)

1           Section 99. Effective date. This Act takes effect January  
2    1, 2008.".